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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,100

04/21/2005

Bill Linden

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EXAMINER

AN, IG TAI

ART UNIT

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3687

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,100	Applicant(s) LINDEN, BILL	
	Examiner IG TAI AN	Art Unit 3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is a First Office Action Non- Final Rejection on the merits.

Claims 1 – 7 are currently pending and have been considered below.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method and Device for Secured Payment Transaction Using Credit Card on Internet.

Claim Objections

3. Claims 1 – 2 are objected to because of the following informalities: "c h a r a c t e r i z e d " should be --characterized--. Appropriate correction is required.

Claim 2 is objected to because of the following informalities: in line 1, claim 2, "poison" should be --position--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 - 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 2 recites the limitation "the internet" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the establishment" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the step of establishment" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 – 7 depends from claim 2. Therefore, they carry same deficiency.

Claim 5 recites "taking over" in line 3. It is not clear what it means by taking over.

Appropriated correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 – 4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandberg-Diment (hereinafter Sandberg) (US 5826245).

As per Claim 1, Sandberg discloses method for payment through the Internet (12) utilizing a multi position character code (22), including the establishment of a first Internet-connection (1i) between a customer and a merchant and wherein the customer puts a payment order (Abstract), characterized by the following steps.

transferring a first section of the character code to the merchant through a first connection through said first Internet connection (ii) (Figure 2, Figure 3 and Column 2 line 32 – 48),

the merchant initiating a second connection through a second Internet connection (14) between a payment agency and the customer (Figure 2, Figure 3 and Column 2 line 32 – 48),

the merchant transferring said first section of the character code (22) to a payment agency (20) through a separate connection (Figure 2, Figure 3 and Column 2 line 32 – 48),

transferring at least a further section of the character code (22) from the customer to the payment agency, the payment agency executing the payment (Figure 2, Figure 3, Column 2 line 32 – 48 and Column 3 line 55 - 67).

As per Claim 2, Sandberg discloses method for payment through the Internet using a multi poison character code (22), including the steps of establishing a first Internet connection (ii) between a customer and a merchant and the customer putting a payment order (Abstract), characterized by the following steps,

transferring a first section of the character code from a computer (10) associated to the customer to a computer (13) associated to the merchant through a first connection in the first Internet connection (ii) (Figure 2, Figure 3 and Column 2 line 32 – 48),

the computer (13) associated to the merchant transferring said first section of the character code (22) to a computer (15) associated to a payment agency through a separate connection (Figure 2, Figure 3 and Column 2 line 32 – 48),

the computer (13) associated to the merchant initiating a second connection in a second Internet connection (14) between said payment agency and said customer (Figure 2, Figure 3 and Column 2 line 32 – 48),

transferring at least a further section of said character code (22) from said computer (10) associated to the customer to the computer (15) associated to the payment agency (Figure 2, Figure 3 and Column 2 line 32 – 48), and

the computer (15) associated to said payment agency executing the payment (Column 3 line 55 - 67).

As per Claim 3, Sandberg discloses the step of transferring a consecutive sequence of numbers at the end of the character code (22) as said first section of the character code (22) (Figure 3).

As per Claim 4, Sandberg discloses wherein said consecutive sequence forms one half of the character code (22) (Figure 3).

As per Claim 7, Sandberg discloses wherein the computer (13) associated to the merchant transfers said first section of the character code (22) to a computer (15) associated to said payment agency through a separate Internet connection (Figure 3 and Column 2 lines 32 – 48).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandberg-Diment (hereinafter Sandberg) (US 5826245).

As per Claim 5, Sandberg does not explicitly disclose the steps of the computer (15) associated to the payment agency taking over said first connection to establish said

second connection (“taking over” phrase is not clear and is interpreted as “disconnect” for the examination purpose). However, Sandberg discloses sending first data package with first connection and sending second data package with second connection while allowing time interval of 30 seconds between transmissions (Figure 2, Figure 3, Column 2 lines 32 – 48, and Column 3 line 1 – 28).

The Examiner notes, disconnecting first connection to establish second connection does not modify the operation of Sandberg. Modifying the method of Sandberg to have included disconnecting first connection to establish second connection would have been obvious to the one of the ordinary skill in the art because the inclusion of such step would have been obvious matter of the design choice in the light of the method already disclosed by Sandberg. Such modification would not have otherwise affected the method of Sandberg and would have merely represented one of many steps that the one of the ordinary skill in the art would have found obvious for the purposes already disclosed by Sandberg. Additionally, applicant has not persuasively demonstrated the criticality of providing this step versus the steps disclosed by Sandberg.

See *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945).

As per Claim 6, Sandberg does not explicitly disclose the step of interrupting said first connection when said second connection is established.

However, Sandberg discloses sending first data package with first connection and sending second data package with second connection while allowing time interval of 30 seconds between transmissions (Figure 2, Figure 3, Column 2 lines 32 – 48, and Column 3 line 1 – 28).

The Examiner notes, disconnecting first connection to establish second connection does not modify the operation of Sandberg. Modifying the method of Sandberg to have included disconnecting first connection when second connection is established would have been obvious to the one of the ordinary skill in the art because the inclusion of such step would have been obvious matter of the design choice in the light of the method already disclosed by Sandberg. Such modification would not have otherwise affected the method of Sandberg and would have merely represented one of many steps that the one of the ordinary skill in the art would have found obvious for the purposes already disclosed by Sandberg. Additionally, applicant has not persuasively demonstrated the criticality of providing this step versus the steps disclosed by Sandberg.

See *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945).

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Travor et al. (US 6070154) discloses internet credit card security.

Fisher et al. (US 20030126094) discloses persistent dynamic payment service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IG TAI AN whose telephone number is (571)270-5110. The examiner can normally be reached on Monday - Thursday from 9:30 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/
Supervisory Patent Examiner, Art
Unit 3687

ITA

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